REMARKS

Claims 30-33, 35, and 37-46 are now pending in the application. Claims 1-29, 34, and 36 have been canceled. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 30-33 and 44-45 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Examiner alleges that the limitation "mathematical function" as stated in independent claims 30 and 44 is indefinite and does not point out to any particular mathematical function. Applicant disputes this characterization and contends that use of the term "mathematical function" is definite. First, "mathematical function" is a term that has definition and meaning to someone skilled in the art. It is not necessary to specify a particular mathematical function to make this term definite as it has meaning by itself. Second, it is an advantage and purpose of the invention that a user of a system comprising the invention could define their own decision model in a form comprising a mathematical function. This is an advantage that provides for customized defining of the decision models that lead to trading decisions. Therefore, use of the term "mathematical function" is definite in meaning as required pursuant to 35 U.S.C. § 112, second paragraph.

Further, attached as Exhibit A is a printout from the USPTO website showing in a search result that 638 patents are identified as containing the term "mathematical function" in a claim. This includes, for example, U.S. 7,016,080 where in independent claims 21 and 36 of that patent the term "mathematical function" is used <u>without pointing out any particular mathematical function</u>. A brief review of several other patents also identify independent claims containing the term "mathematical function" without pointing to any particular mathematical function. Therefore, the term mathematical function is not now, nor has it been, determined to be indefinite by the USPTO. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 35 and 37-46 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Examiner alleges that use of the phrase "and/or" renders the claims indefinite because, it is unclear whether the limitations following the phrase are part of the claimed invention. Applicant disagrees with characterizing "and/or" as indefinite since it is widely used in allowed patent claims. However, pursuant to the Examiner's instruction, amendments have been made to claims 35 and 37 to remove reference to the phrase "and/or." Therefore, Applicant respectfully requests reconsideration and removal of this rejection.

REJECTION UNDER 35 U.S.C. § 103

Claims 30 and 44-46 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lupien et al. (U.S. 5,845,266) in view of "CyberTrader - Trader's Workstation - An Integrated Trading Environment". Claims 31-33 are rejected under 35 U.S.C 103(a) as allegedly being upatentable over Lupien and CyberCorp, as applied to claim 30 above, and further in view of Tertitski et al. (US 6,493,689) and Kane (US 6,317,728). Claim 35 is rejected under 35 U.S.C 103(a) as allegedly being upatentable over Lupien in view of CyberTrader, Kane and Buist (US 6,408,282). Claims 37-39 are rejected under 35 U.S.C 103(a) as allegedly being upatentable over Lupien in view of CyberTrader and Buist. Claims 40-43 are rejected under 35 U.S.C 103(a) as allegedly being upatentable over Lupien, CyberTrader and Buist as applied to claim 37 above and further in view of Kane.

A. Applicant's 37 C.F.R. § 1.131 Declaration

Attached is a Declaration provided pursuant to 37 C.F.R. § 1.131 for establishing a conception of the claimed invention in the United States prior to February 1, 2000. This date is the earliest publication date of the CyberCorp/CyberTrader reference according to a copyright notice with a date of "02/2000" appearing on each page of this reference. Therefore, the CyberCorp/CyberTrader reference is not available as a prior art reference under 35 U.S.C § 103(a). Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 30-33, 35 and 37-46 under 35 U.S.C. § 103(a).

B. The Claims are Distinguishable from All Cited References Including the CyberCorp Reference

Adding the CyberCorp reference as an addition to the previously cited references in earlier office actions does not provide a *prima facie* basis for rejection under 35 U.S.C. § 103(a). Each of the cited references in the Office Action specifically including the CyberCorp reference does not either individually or in combination with the other references, teach or suggest all of the limitations of the rejected claims. There are several distinguishing features between the claims and the CyberCorp reference including, but not limited to, the fact that CyberCorp does not teach or suggest a system for buying and selling securities based upon a user defined decision model. For this reason and others, the CyberCorp reference is distinguishable. Further, for all of the reasons stated in the prior responses to office actions, and including the appeal, all of which are incorporated herein by reference, none of the other cited references teach or suggest the system as claimed. Therefore, irrespective of Applicant's declaration, the claims are distinguishable from the cited references. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of claims 30-33, 35 and 37-46 under 35 U.S.C. § 103(a).
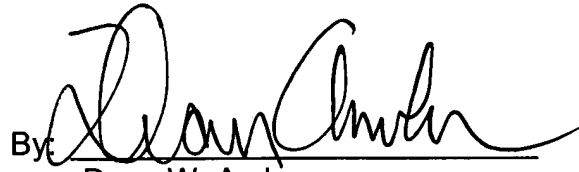
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 3/31/2006

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Searching 1976 to present...

Results of Search in 1976 to present db for:
ACLM/"mathematical function": 638 patents.
Hits 1 through 50 out of 638

Next 50 Hits

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Refine Search	ACLM/"mathematical function"

	PAT. NO.		Title
1	7,020,847	T	Search and navigation device for hypertext documents
2	7,016,713	T	Non-invasive determination of direction and rate of change of an analyte
3	7,016,080	T	Method and system for improving scanned image detail
4	7,012,495	T	Switchable permanent magnetic device
5	7,010,486	T	Speech recognition system, training arrangement and method of calculating iteration values for free parameters of a maximum-entropy speech model
6	7,006,732	T	Polarization splitting grating couplers
7	7,004,370	T	Device and method for determining parameters of a welding system
8	6,993,138	T	Spatial key trees for key management in wireless environments
9	6,986,688	T	Low-cost means for estimating and controlling speed of electric watercraft and trolling motors
10	6,985,559	T	Method and apparatus for estimating quality in a telephonic voice connection
11	H2,142	T	Method for measuring the concentration of bodymaker lubricant in bodymaker coolant
12	6,974,705	T	Method for determining the concentration of gas in a liquid
13	6,973,839	T	Electromagnetic flow meter having processing means resolving output data into a non-flow waveform component
14	6,972,868	T	Image data compression method
15	6,972,542	T	System and method for battery verification
16	6,971,971	T	Method and system for an adaptation of an engagement of an automated clutch
17	6,970,026	T	Power-on reset circuit and method for low-voltage chips
18	6,967,746	T	System for combining device color profiles

19 6,962,530 T Authentication in a secure computerized gaming system

20 6,954,054 T Total feed forward switching power supply control

21 6,952,627 T Method and apparatus for fabricating light management substrates

22 6,952,455 T Adaptive antenna method and apparatus

23 6,947,790 T Neurocognitive function EEG measurement method and system

24 6,946,540 T Method of measuring extent of curing of compacted poly(arylene sulfide)

25 6,944,949 T Method of making a motor vehicle wheel arch, and a wheel arch obtained by
        implementing the method

26 6,944,564 T Method for the automatic calibration-only, or calibration and qualification
        simultaneously of a non-contact probe

27 6,943,883 T Apparatus, sample cuvette and method for optical measurements

28 6,941,809 T Method for temperature-compensated accelerometer measurement, with at least a
        device comprising two vibrating resonators

29 6,936,476 T Point of care diagnostic systems

30 6,936,157 T Interference correction of additives concentration measurements in metal electroplating
        solutions

31 6,922,712 T Apparatus, methods, and computer program products for accurately determining the
        coefficients of a function

32 6,922,605 T Automated fluid-jet tilt compensation for lag and taper

33 6,921,168 T Translating contact lens having a ramped ridge

34 6,912,659 T Methods and device for digitally signing data

35 6,898,469 T Surveillance system and method having parameter estimation and operating mode
        partitioning

36 6,892,874 T Method and device for reducing the polygon effect in the reversing area of pedestrian
        conveyor system

37 6,892,155 T Method for the rapid estimation of figures of merit for multiple devices based on
        nonlinear modeling

38 6,891,474 T Electromagnetic identification label for anti-counterfeiting, authentication, and tamper-
        protection

39 6,885,933 T Signal correcting device

40 6,885,886 T Method and system for visualizing a body volume and computer program product

41 6,882,314 T Carrier-based differential-position determination using multi-frequency pseudolites

42 6,879,871 T Advanced process control for a manufacturing process of a plurality of products with
        minimized control degradation after re-initialization upon occurrence of reset events

43 6,879,327 T Creating gradient fills

44 6,877,949 T Pumping stage for a vacuum pump

45 6,876,961 T Electronic system modeling using actual and approximated system properties

46 6,873,993 T Indexing method and apparatus

47 6,873,747 T Method for measurement of pitch in metrology and imaging systems

48 6,873,338 T Anti-moire pixel array having multiple pixel types

49 6,868,534 T Circuit modeling

50 6,867,770 T Systems and methods for voxel warping

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